

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

State of Oklahoma, et al.,)	Case No. 4:05-cv-00329-GKF-PJC
)	
Plaintiffs,)	
)	
vs.)	THE CARGILL DEFENDANTS’
)	SEPARATE RESPONSE TO
Tyson Foods, Inc., et al.,)	PLAINTIFFS’ MOTION IN LIMINE TO
)	PRECLUDE DEFENDANTS FROM
Defendants.)	MAKING CERTAIN CATEGORIES OF
)	REFERENCES TO ITS PRIVATE
)	COUNSEL (DKT. #2418)

Cargill, Inc. and Cargill Turkey Production, LLC (“CTP”) (together, the “Cargill Defendants”) offer this separate response to Plaintiffs’ Motion in Limine to Preclude Defendants From Making Certain Categories Of References to Its Private Counsel (Dkt. #2418).

The Cargill Defendants concur with Plaintiffs’ position that it is inappropriate to refer at trial to where a lawyer practices, whether it be Oklahoma City, Fayetteville, Washington, D.C. or Minneapolis. If the Court has admitted the attorney to practice before it, whether *pro hac vice* or otherwise, that should be sufficient for all purposes. The Cargill Defendants assume that the Court’s order on this issue would be applicable to all parties and all attorneys.

As to the other categories described in Plaintiffs’ motion, the Cargill Defendants’ attorneys represent to the Court that they have no intention of making any reference or introducing any evidence concerning any of these categories. The Cargill Defendants do not intend to refer to Plaintiffs’ private attorneys’ employers, their contingency fee contracts, the possible sources of their remuneration, their advancement of the costs of this litigation or of expert witnesses, their political contributions to Attorney General Edmondson (or anyone else), or their representation of parties in the tobacco litigation. Indeed, the Cargill Defendants believe

that any references at all in this case to the tobacco litigation (such as the references offered by Plaintiffs' counsel at the August 18, 2009 hearing on dispositive motions) are entirely irrelevant and potentially highly prejudicial, and urges the Court to bar all such references.

Once again, the Cargill Defendants' only qualification is mutuality. The Cargill Defendants assume that, as officers of the Court, Plaintiffs' attorneys will likewise refrain from the same type of references to Defendants and their counsel to which they object in their present motion. With that commitment, the Cargill Defendants do not oppose Plaintiffs' motion.

Date: August 20, 2009

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

BY: /s/ John H. Tucker
JOHN H. TUCKER, OBA #9110
COLIN H. TUCKER, OBA #16325
THERESA NOBLE HILL, OBA #19119
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
(918) 582-1173
(918) 592-3390 Facsimile

And

DELMAR R. EHRICH
BRUCE JONES
KRISANN C. KLEIBACKER LEE
FAEGRE & BENSON LLP
200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
(612) 766-7000
(612) 766-1600 Facsimile

**ATTORNEYS FOR CARGILL, INC. AND CARGILL TURKEY
PRODUCTION LLC**

CERTIFICATE OF SERVICE

I certify that on the 20th day of August, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Assistant Attorney General

drew_edmondson@oag.state.ok.us
kelly_burch@oag.state.ok.us

Melvin David Riggs
Joseph P. Lennart
Richard T. Garren
Sharon K. Weaver
Robert Allen Nance
Dorothy Sharon Gentry
David P. Page
Riggs Abney Neal Turpen Orbison & Lewis, P.C.

driggs@riggsabney.com
jlennart@riggsabney.com
rgarren@riggsabney.com
sweaver@riggsabney.com
rnance@riggsabney.com
sgentry@riggsabney.com
dpage@riggsabney.com

Louis W. Bullock
Bullock, Bullock and Blakemore, PLLC

lbullock@bullock-blakemore.com

William H. Narwold
Elizabeth C. Ward
Frederick C. Baker
Lee M. Heath
Elizabeth Claire Xidis
Fidelma L Fitzpatrick
Motley Rice LLC

bnarwold@motleyrice.com
lward@motleyrice.com
fbaker@motleyrice.com
lheath@motleyrice.com
cxidis@motleyrice.com
ffitzpatrick@motleyrice.com

COUNSEL FOR PLAINTIFFS

Stephen L. Jantzen
Paula M. Buchwald
Patrick Michael Ryan
Ryan, Whaley & Coldiron, P.C.

sjantzen@ryanwhaley.com
pbuchwald@ryanwhaley.com
pryan@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Gordon D. Todd
Erik J. Ives
Sidley Austin LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com
gtodd@sidley.com
eives@sidley.com

L Bryan Burns
Robert W. George
Michael R. Bond
Erin W. Thompson
Dustin R. Darst
Kutack Rock LLP

bryan.burs@tyson.com
robert.george@tyson.com
michael.bond@kutackrock.com
erin.thompson@kutackrock.com
dustin.dartst@kutackrock.com

**COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.,
AND COBB-VANTRESS, INC.**

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Jennifer S. Griffin
Lathrop & Gage, L.C.

jgriffin@lathropgage.com

COUNSEL FOR WILLOW BROOK FOODS, INC.

Robert P. Redemann
William D. Perrine
Lawrence W. Zeringue
David C. Senger

rredemann@pmrlaw.net
wperrine@pmrlaw.net
lzingue@pmrlaw.net
dsenger@pmrlaw.net

Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

Robert E. Sanders
E. Stephen Williams
Young Williams P.A.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.

gwo@owenslawfirm.com
rer@owenslawfirm.com

James M. Graves
Gary V. Weeks
Woody Bassett
Vincent O. Chadick
K. C. Dupps Tucker
Bassett Law Firm

jgraves@bassettlawfirm.com
gweeks@bassettlawfirm.com
wbassett@bassettlawfirm.com
vchadick@bassettlawfirm.com
kctucker@bassettlawfirm.com

COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.

John R. Elrod
Vicki Bronson
Bruce W. Freeman
P. Joshua Wisley
Conner & Winters, LLLP

jelrod@cwlaw.com
vbronson@cwlaw.com
bfreeman@cwlaw.com
jwisley@cwlaw.com

COUNSEL FOR SIMMONS FOODS, INC.

A. Scott McDaniel
Nicole M. Longwell
Philip D. Hixon
Craig Mirkes
McDaniel, Hixon, Longwell & Acord, PLLC

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com
cmirkes@mhla-law.com

Sherry P. Bartley
Mitchell Williams Selig Gates & Woodyard
COUNSEL FOR PETERSON FARMS, INC.

sbartley@mws gw.com

Michael D. Graves
Dale Kenyon Williams, Jr.

mgraves@hallestill.com
kwilliams@hallestill.com

COUNSEL FOR CERTAIN POULTRY GROWERS

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who is not a registered participant of the ECF System:

Thomas C. Green
Sidley Austin Brown & Wood LLP
1501 K Street NW
Washington, DC 20005
**COUNSEL FOR TYSON FOODS,
INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC.; AND
COBB-VANTRESS, INC.**

s/ John H. Tucker